

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK WOODARD,

Plaintiff,

v.

ORDER

09-cv-776-wmc

U.S. TREASURY,

Defendant.

In an order entered on June 30, 2010, this court gave plaintiff Mark Woodard until July 9, 2010, in which to advise the court in writing of the steps he has taken to serve his complaint on the defendant. Further, plaintiff was reminded that pursuant to Fed. R. Civ. P. 4(m) the 120 day deadline for serving his complaint on the defendant expires August 10, 2010. Now plaintiff has filed a response to the order in which he states that “[p]rosecution has not been abandoned” and appears to state that he believes the court will serve defendant.

In order to continue with this case, plaintiff himself will need to serve his complaint on the defendant. While plaintiff appears to believe that the court is responsible for perfecting service, because he paid the fee for filing his complaint and is not proceeding as a pauper, he is responsible on his own for serving the defendant. The court may order the United States Marshals Service to serve process only in cases in which the plaintiff has been found eligible to proceed under the *in forma pauperis* statute, 28 U.S.C. § 1915.

To accomplish service on a federal agency, plaintiff needs to send by registered or certified mail, a copy of the issued summons form, the complaint and his supplement to the complaint to three places: (1) defendant U.S. Treasury, (2) the United States Attorney

General and (3) the United States Attorney for the Western District of Wisconsin.

To avoid unnecessary delay, I am enclosing to plaintiff with this order four copies of his complaint and supplement to his complaint, one for his own records and one to be sent to each entity as detailed above, along with the necessary summons forms. Plaintiff should act quickly. If by August 10, 2010, plaintiff fails to file proof of service or explain his inability to do so, his case will be dismissed without prejudice.

ORDER

IT IS ORDERED that plaintiff Mark Woodard may have until August 10, 2010, file with the court proof that he served his complaint on the defendants. If, by August 10, 2010, plaintiff fails to file proof of service or show cause for his failure to do so, the case will be dismissed without prejudice for plaintiff's failure to prosecute.

Entered this 19th day of July, 2010.

BY THE COURT:


PETER A. OPPENEER
Magistrate Judge